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**MAR 12 2004**

In re Application of  
Sean A. McCarthy  
Application No. 09/263,022  
Filed: 5 March, 1999  
Attorney Docket MNI-108CP2

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed on 27 February, 2004, requesting entry of an amendment to the specification to insert a reference to an earlier-filed application pursuant to the provisions of 35 U.S.C. § 120.

The petition is **GRANTED**.

The record indicates that this application was co-pending with earlier-filed international application No. PCT/US98/07894, filed on 16 April, 1998, which was copending with application No. 09/009,802, filed on 20 January, 1988, which was copending with application No. 60/071,589, which was filed on 15 January, 1998, and application No. 09/009,802 was copending with application No. 08/842,898, filed on 17 April, 1997, which was copending with application No. 08/843,704, filed on 16 April, 1997. Petitioner requests that this abandoned application be amended by inserting a reference to the earlier-filed application.

35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to 29 November, 2000, to include the benefit of an earlier filing date for purposes other than prosecution.<sup>1</sup>

In view thereof, the request for entry of an amendment to insert a reference to the above-noted earlier-filed applications is granted.

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<sup>1</sup>See Sampson v. Commissioner of Patents and Trademarks, 195 USPQ 136 (D.C.D.C. 1976).

The application file is being forwarded to Technology Center 1600 for entry of the amendment.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

A handwritten signature in black ink, appearing to read "D. Wood", is written above the typed name.

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions